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STATE WATER CONSERVATION COMMISSION
Minutes of Meeting
Held in Office of State Water Commission on
May 6, 1957

A regular meeting of the North Dakota State Water Conservation Commission was called to order on May 6, 1957, at the State Water Conservation Commission office in Bismarck, North Dakota, to consider routine business matters. The following were present:

MEMBERS OF THE STATE WATER CONSERVATION COMMISSION:

Governor John E. Davis, Chairman
Earle F. Tucker, Vice Chairman, Bismarck
Einar Dahl, Member from Watford City
Math Dahl, Member from Bismarck
William W. Corwin, Member from Fargo
A. M. Christensen, Member from Minot
Fred Fredrickson, Planning Coordinator, Washington, D. C.
Milo W. Hoisveen, Secretary and Chief Engineer, State Engineer
Vernon S. Cooper, Assistant Secretary

OTHERS PRESENT AT THE MEETING:

Mr. Bruce Johnson, Bureau of Reclamation
Mr. Alfred Schultz, Attorney, Minot
Mr. I. A. Acker, Special Assistant Attorney General, Bismarck

The meeting was called to order at 9:45 A.M. by Vice Chairman Tucker with Commissioners Einar Dahl, Math Dahl, William W. Corwin and A. M. Christensen and Mr. Fred Fredrickson, Milo W. Hoisveen and Vernon S. Cooper present.

It was moved by Commissioner Einar Dahl and seconded by Commissioner A. M. Christensen that the Minutes of the March 29th meeting be approved. All members voted aye and said motion carried.

It was moved by Commissioner A. M. Christensen and seconded by Commissioner Einar Dahl that the Financial Statements for March and April, 1957, be approved and filed in the office of the State Water Conservation Commission. All members voted aye and said motion carried.

Governor Davis entered the meeting at 9:55 A.M. and assumed the chair.

Secretary Hoisveen stated that he had received a copy of a Resolution and Order of the Board of Directors of the Garrison Diversion Conservancy District modifying the boundaries of the Conservancy District so as to include Steele County therein. The Secretary was instructed to acknowledge and file this Order.

Mr. Fred Fredrickson, Planning Coordinator, presented copies of H. R. 7068 and S. 1932, identical bills, to members of the Commission. The bills were submitted concurrently and pertain to making certain provisions in connection with the construction of the Garrison Diversion Unit, Missouri River Basin project. Mr. Fredrickson stated that in discussing the matter with the Chief Clerk of the Senate Committee, it was indicated that there was a possibility of a Subcommittee

of the Senate coming to North Dakota to hold a Subcommittee hearing in the field which all interested farmers and reclamation enthusiasts could attend. He further intimated the possibility of a House Subcommittee making a similar trip later on. It was generally agreed among all Commissioners that everything possible be done to encourage such a field trip on behalf of the Senate Subcommittee. Final arrangements relative to such a hearing are to be made at a meeting to be held in Washington, D. C. next week.

Secretary Hoisveen reported that he attended the Missouri River Reservoir Regulation Committee meeting held on April 25, 1957, at Omaha, Nebraska. This meeting provided a background for the hearing held in Washington, D. C. on May 1st by the Committee on Interior and Insular Affairs and the Committee on Public Works. He stated that he had attended a conference of Rural Electric Association officials prior to the hearing. He was asked to make a statement for the record. He then read them a statement he had prepared enroute to Washington, D. C. They did not favor the same and, as a consequence, Secretary Hoisveen did not enter his statement. It was Secretary Hoisveen's intent to remain neutral so far as possible as any water hassles at this time may jeopardize our irrigation appropriations. The prepared statement is on file in the office of the State Water Conservation Commission. The Commission members commended Secretary Hoisveen on his statement and agreed that the Commission go on record as favoring irrigation over navigation and generation power.

A resolution of Dakota Electric Cooperative, Inc., which is an excerpt of the Minutes of a special meeting of the Board of Directors held on April 1, 1957, was read by Secretary Hoisveen. Said resolution indicated the interest and favor in the construction of the Bowman-Haley Dam, and urges the support of congressional delegations in the construction thereof. Secretary Hoisveen stated that Montana Dakota Utilities and the REA have both indicated a desire to locate generation plants in the Bowman-Haley area. This will enable the Commission to justify a possible \$75,000 more in annual benefits toward feasibility justification. It was moved by Commissioner Christensen and seconded by Commissioner Math Dahl that Secretary Hoisveen be authorized to conduct an economic survey in conjunction with the power possibilities. All members voted aye and said motion carried.

A telegram to Senator Young urging his assistance in obtaining funds for the completion of the Grand River survey for the proposed Bowman-Haley Dam, and Senator Young's reply assuring his cooperation, both of which are dated April 4, 1957, was read to the Commission. Mr. Fred Fredrickson forwarded a transcript of the testimony containing the questions of Senator Young and answers of General Galloway pertaining to the amount of money needed to complete the studies of the Bowman-Haley project. General Galloway justified the \$25,000 which has been requested to complete the studies.

A letter from Mr. Phil Dahl, Crystal, North Dakota, was read by Secretary Hoisveen. Mr. Dahl thanked the Commission for the prompt action relative to their water problem.

A detailed report on the justification of the Pembilier Dam, as prepared by the staff of the State Water Conservation Commission, was presented to each of the Commission members. Secretary Hoisveen reported that he and Senator Grant Trenbeath of Nebhe discussed this report with the Corps of Engineers in St. Paul on April 12th.

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Colonel Rohde and Mr. George Lyons, Chief Engineer, were very receptive to suggestions and the new data contained in the report. Mr. Robert Calton, Chief of the Reports Division, was more reluctant to accept the report. However, it was generally agreed that this added information will be of considerable help in obtaining a desirable benefit cost ratio for the proposed Pembilier Dam. It was moved by Commissioner Earle Tucker and seconded by Commissioner Math Dahl that the Commission members approve the report on the Pembilier Dam. All members voted aye and said motion carried.

Secretary Hoisveen read a letter from Senator Young dated April 15th, 1957, stating that the report of the Corps of Engineers concerning the Pembina Dam looks favorable.

Secretary Hoisveen read a letter from Colonel O. J. Rohde, dated April 22, 1957, in which Colonel Rohde requests the assistance of the Water Commission in making a survey and planning drainage improvements in the Mauvais Coulee area. The Commission would make the necessary field surveys and do office engineering required to develop a drainage plan. The drainage plan would be used in making a feasibility determination for the proposed Mauvais Coulee project. It was moved by Commissioner Math Dahl and seconded by Commissioner A. M. Christensen that Secretary Hoisveen be authorized to conduct a feasibility survey, the estimated cost of which is \$3,000. Upon voice vote all members voted aye and said motion carried.

Secretary Hoisveen read correspondence from the cities of Ellendale and Linton requesting groundwater surveys. It was reported that the Water Commission's drilling rig, which the U.S.G.S. utilizes, is presently in use on the Yellowstone River in conjunction with some irrigation work. It was moved by Commissioner Math Dahl and seconded by Commissioner W. W. Corwin that in view of the apparent critical water shortage in the City of Ellendale, the emergency of which is to be determined by the Chief Engineer of the Water Commission, the equipment be diverted from the Yellowstone project as soon as possible and begin work in the Ellendale area. It was stated that the U.S.G.S. would not be able to assist in this survey until after July 1st when appropriations are available, but that then they be encouraged to go to Ellendale and supplement and expand on the work done by the Commission. The work would be paid for on the basis of 50 percent by the city of Ellendale and 50 percent by the Commission. All members voted aye and said motion carried.

Governor Davis reported on a telephone call that he had just received from Senator Young of Washington, D. C. He stated that the Senator requested the statement prepared by Secretary Hoisveen for presentation at the Missouri River hearing held in Washington, D. C. on May 1st, but which was not made a part of the record at the time. It was Senator Young's opinion that the presentation was one-sided and that Secretary Hoisveen's statement should be incorporated in the hearing. All of the members of the Commission favored Secretary Hoisveen's position and unanimously agreed that the same be forwarded to Senator Young to be included in the record.

Secretary Hoisveen stated that he had contacted Dr. Laird of the U.S.G.S. relative to the Memorandum of Agreement pertaining to groundwater surveys and that Dr. Laird agreed to incorporate the following item, pursuant to Secretary Hoisveen's suggestion:

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"5. Every possible effort will be made to keep reports covering surveys current to enable the scheduling of drilling operations without seasonal interruptions."

Said agreement has been signed by both parties and is on file.

Correspondence addressed to Governor Davis, dated March 26, 1957, from Mr. Len Jordan, Chairman of the United States Section of the International Joint Commission, was read by Secretary Hoisveen. The correspondence included a letter written by Mr. Jordan to Mr. McNaughton, Chairman of the Canadian Section. The Commission authorized Secretary Hoisveen to write Mr. Jordan a letter reaffirming the Commission's position on the Souris River.

Secretary Hoisveen reported that he wrote to Dr. Thomas B. Nolan, Director of the United States Geological Survey, under date of April 10th, relative to showing a percentage of administrative funds as a part of state participation. This in turn would give the Commission credit for technical assistance performed. No reply has been received to date.

Mr. Vernon Cooper, Assistant Secretary, reported on the appropriation hearings to be held in Washington, D. C. on May 15th and 16th. The primary concern of these hearings is that sufficient funds be made available for the Garrison Diversion Project. An estimated amount of \$851,000 is requested to complete the detailed planning for areas ready to proceed with irrigation and reconnaissance work. A delegation of fifteen witnesses will be on hand, with Governor Davis as chairman and spokesman. The preliminary statement is to be made by Representative Krueger. Arrangements for the hearings will be discussed at a meeting to be held in Minot on May 7th.

Mr. Alfred Schultz of the law firm of McGee and Van Sickle, Minot, entered the meeting at 11:50 A.M. on behalf of a group of property owners who desire to dissolve the Upper West Souris Water Conservation and Flood Control District. Petitions are on file in the office of the State Water Conservation Commission requesting dissolution of said district, which petitions were received prior to the enactment of the law providing for dissolution. It was recommended by Mr. I. A. Acker, Special Assistant Attorney General, that a hearing be held from a standpoint of good public relations which all interested people can attend. If at such a hearing it is determined that the people are no longer interested in a district, that the Commission has authority to then dissolve the said district. Mr. Schultz inquired as to the possibility of modifying the boundaries, to which Mr. Hoisveen replied that this was not advisable until a determination could be made through a hearing.

The meeting reconvened at 1:30 P.M. with Commissioners Tucker, Corwin, Christensen and Einar Dahl, Secretary Hoisveen and Mr. Fredrickson present.

It was moved by Commissioner Christensen and seconded by Commissioner Corwin that the boundaries of the Rush River Water Conservation and Flood Control District be modified to include the area between the Rush and Maple Rivers. A hearing will be required in the area to be annexed in order to determine their sentiments to inclusion. All members voted aye and said motion carried.

A petition signed by landowners in the area affected by former State Highway #5 east of Bottineau, requesting a survey of said highway, was read to the Commission by Secretary Hoisveen. The petitioners contend that said highway is not properly supplied with culverts to carry the flow of water. Commissioner Christensen moved that Secretary Hoisveen be authorized to conduct such a survey, which motion was seconded by Commissioner Corwin. All members voted aye and said motion carried.

Secretary Hoisveen requested approval for the Commission to participate in the repair of Antelope Creek Dam above Hazen, North Dakota. The estimated cost of such repair job is \$5,000 and indications are that the State Game and Fish Department will participate. It was moved by Commissioner Einar Dahl and seconded by Commissioner Christensen that the State Water Conservation Commission assume one-third of the cost of such repair job. All members voted aye and said motion carried.

A copy of a letter addressed to Mr. Wynkoop of the Highway Department from Mr. E. W. Hagen of Devils Lake, dated April 30th, was read to the Commission members by Secretary Hoisveen. The letter pertained to the blocking of two culverts on Highway #57 and opening the culvert on Highway #20 to alleviate drainage.

Commissioner Corwin presented the following resolution and moved its adoption, which motion was seconded by Commissioner Christensen. All members voted aye and the following resolution was unanimously adopted.

R E S O L U T I O N

"WHEREAS, flood waters of Beaver Creek in Steele County, North Dakota, contribute considerably to the flooding of the Goose River, of which the creek is a tributary water course, in the spring of the year and in periods of excessive rainfall; and

WHEREAS, the State Water Conservation Commission in cooperation with the Game and Fish Department has constructed a dam, a control structure and a canal for the storage of flood waters and for the controlled diversion of such waters of Beaver Creek into Golden Lake and thereby utilize such waters of that creek to raise the level of the lake and make it suitable for various forms of recreation such as boating, swimming and fishing; and

WHEREAS, waters diverted into Golden Lake from Beaver Creek in the spring of each year, and in times of excessive rainfall, will materially prevent flooding of the creek and the Goose River but will not affect the normal flow of the creek or of the Goose River,

NOW, THEREFORE, BE IT RESOLVED by the State Water Conservation Commission in meeting assembled this 6th day of May, 1957, that flood waters of Beaver Creek, Steele County, are hereby reserved for restoration of the level of Golden Lake in order that it may be made suitable for recreation, such as boating, swimming and fishing, provided that the normal flow into the Goose River shall not be impaired or materially reduced."

A letter from Mr. Raymond Johnson, County Auditor of Bottineau County, dated April 29, 1957, requesting a survey in conjunction with cleaning out the channel at the lower levels of Oak Creek was read to the Commission by Secretary Hoisveen. It was

moved by Commissioner Christensen and seconded by Commissioner Einar Dahl that this matter be further investigated and that action be postponed until the next Commission meeting. All members voted aye and said motion carried.

The following water rights were considered:

#706. The City of Oakes requests the right to divert 3650 acre feet of water from groundwater sources for municipal use. Commissioner Christensen moved that said request be granted, which motion was seconded by Commissioner Corwin. Motion carried.

#707. Mr. Minard Huckler of Bismarck requests the right to divert 40 acre feet of water from the Missouri River to irrigate 101 acres of land. Commissioner Einar Dahl moved that said request be granted, which motion was seconded by Commissioner Christensen. Motion carried.

Commissioner Christensen moved that Mr. Robert Timm, Assistant State Engineer, or a staff member as designated by the Chief Engineer, be authorized to attend the Flood Control and Water Resources Conference in Indianapolis on May 23rd and 24th, which motion was seconded by Commissioner Einar Dahl. All members voted aye and said motion carried.

Secretary Hoisveen stated that he has been advised by Mr. Mack Traynor, Attorney at Devils Lake, that the hearing on the Mauvais Coulee matter will be heard before the Court of Claims sometime this summer. Secretary Hoisveen stated that he has been requested to appear at this trial as a witness on their behalf. It was generally agreed among the Commissioners that Secretary Hoisveen attend such trial in the event he is subpoenaed but that he should not volunteer his services as it would expose him to public criticism.

The meeting adjourned at 2:30 P.M.

Respectfully submitted,

Milo W. Hoisveen
Secretary

Attest;

Don E. Lavin
Governor

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MONTHLY REPORT OF APPROPRIATIONS AS OF MAY 31, 1957
1955-1957 APPROPRIATIONS

Fund No.	Available July, 1955	Expended April 30 '57	Expended to May 1, '57	Balance May 31, '57
1. Commissioners Per Diem & Expenses	6,000.00	3,920.68	303.80	1,775.52
2. Administration	40,000.00	35,672.98	2,029.49	2,986.10
Collections and Refunds.	688.57			
3. Maintenance of Dams	100,000.00	184,338.35	5,285.22	13,674.02
Collections and Refunds.	103,297.59			
4. International and Interstate Commission's Conference Expenses	8,000.00	5,536.06	1,181.91	1,282.03
5. Topographic & Conservation Cooperation with U.S.G.S.	30,000.00	19,681.02	1,640.24	8,678.74
6. Hydrographic & Conservation Cooperation with U.S.G.S.	25,000.00	18,287.37	3,508.24	3,204.39
7. Engineering & Geological Survey and Demonstrations.	35,000.00	32,358.69	24.00	2,617.31
8. Cooperation with U. S. Departments & for Organizing Conservation & Irrigation Districts	40,400.00	30,947.47	6,635.14	2,817.39
9. Small Projects & Investigations & Surveys	106,000.00	100,932.02	6,096.46	4,971.52
Collections and Refunds.	6,000.00			
10. Water Right Investigations.	12,000.00	10,842.05	361.76	796.19
	<u>\$512,386.16</u>	<u>\$442,516.69</u>	<u>\$27,066.26</u>	<u>\$42,803.21</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MONTHLY REPORT OF APPROPRIATIONS AS OF MAY 31, 1957
1953-1955 APPROPRIATIONS

Fund No.	Available July, 1953	Expended to Jan 31 '57	Expended to Feb 1 '57	Balance Feb 28 '57
1. Commissioners - Per Diem & Expenses	6,000.00	5,517.49		482.51
2. Administration	40,000.00	40,111.34		120.50
Collections and Refunds	231.84			
3. Maintenance of Dams	100,000.00	156,170.17		87.62
Refunds and Deposits.	56,257.79			
4. International & Interstate Commission's Conference Expenses	8,000.00	8,000.00		NIL
5. Topographic & Conservation Cooperation with U.S.G.S. Transfer from #10	30,000.00 3,000.00	33,000.00		NIL
6. Hydrographic & Conservation Cooperation with U.S.G.S. Transfer from #10	25,000.00 2,500.00	27,499.98		.02
7. Salary - State Engineer	6,000.00	6,000.00		NIL
9. Engineering & Geological Survey and Demonstrations. Transfer from #10	35,000.00 3,500.00	38,500.00		NIL
10. Cooperation with U. S. Departments and for Organizing Conservation & Irrigation Districts. . . . Less Transfers.	50,000.00 9,000.00	40,935.81		64.19
11. Small Projects & Other Investigations	100,000.00	102,399.70		136.92
Collections and Refunds	2,536.62			
	<u>\$459,026.25</u>	<u>\$458,134.49</u>		<u>\$891.76</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
DEPOSITS IN THE BANK OF NORTH DAKOTA
MAY 31, 1957

Source of Deposits	Transit Number	Amount Deposited	Expended May 31, 1957	Balance May 31, 1957
Collections on Yellowstone Pumping Irrigation District \$3,500 Warrant. Tax collections for partial payment of interest and principal to April, 1953.				
Contributions for Ground Water Surveys:	501-118	\$2,235.68		\$2,235.68
Fessenden \$1,000.00		Hunter \$ 750.00		
Mountain 100.00		Tioga 1,000.00		
Maddock 750.00		Mohall 1,000.00		
Lakota 1,000.00		Richardton 750.00		
Rolla 750.00		Bowbells 1,000.00		
Devils Lake 7,500.00		Michigan 580.00		
Aneta 1,000.00		Wimbledon 1,000.00		
Litchville 1,000.00		Fairmount 1,000.00		
Wyndmere 1,000.00		Hope 1,000.00		
Portland 700.00		Sharon 250.00		
Kindred 1,000.00		Stanley 1,500.00		
Mylø 250.00		Upham 750.00		
Neche 300.00		Minnewaukan 1,000.00		
Transfer .10		Streeter 1,000.00		
St. John 750.00		Powers Lake 250.00		
Hankinson 1,000.00		Landa 250.00		
Grafton 500.00		Hettinger 2,500.00		
Booklet	501-123	\$38,180.60	\$20,726.13	\$17,454.47
	501-127	\$ 2,887.57	\$ 2,002.06	\$ 885.51
TOTAL OF ALL BANK OF NORTH DAKOTA DEPOSITS AS OF MAY 31, 1957				<u>\$20,575.66</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MONTHLY REPORT OF APPROPRIATIONS AS OF MAY 31, 1957
 CONSTRUCTION & RECONSTRUCTION DRAINS OR IRRIGATION
 1953-1957

Appropriation Title	Available July 1, 1953	Expenditure to May 31, 1957	Balance May 31, 1957
Construction and Reconstruction Drains or Irrigation	<u>\$140,000.00</u>	<u>\$118,926.23</u>	<u>\$21,073.77</u>
	<u>\$140,000.00</u>	<u>\$118,926.23</u>	<u>\$21,073.77</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MONTHLY REPORT OF APPROPRIATIONS AS OF MAY 31, 1957
 CONSTRUCTION BOND GUARANTY FUND (CONTINUING APPROPRIATION)

Appropriation Title	Balance July 1, 1953	Expended	Balance May 31, 1957
Construction Bond Guaranty Fund	<u>\$70,541.00</u>	<u>NIL</u>	<u>\$70,541.00</u>
	<u>\$70,541.00</u>	<u>NIL</u>	<u>\$70,541.00</u>

PAYROLL
NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MAY 31, 1957

PERMANENT EMPLOYEES

Name	Position	Pay Grade	Salary May	With Tax	N. D. OASIS	Hosp. Ins.	Savings Bonds	Net Pay	Remarks
Hoisveen, Milo	State Engineer	K-10	800.00	117.60	16.00	11.10	18.75	636.55	Inc. April, 1957
Baessler, Gordon	Draftsman	C-7	113.09	15.35	2.26			95.48	Inc. May, 1956
Baranyk, DuWayne	Rodman	B-8	201.67	26.40	4.03			171.24	Inc. April, 1957
Cooper, Vernon S.	Ass't Sec'y	I-7	551.34	49.00	11.05	11.10		480.21	Inc. June, 1956
Fredrickson, Fred	Planning Coord.	E-5	300.00	24.00	6.00			270.00	Inc. February, 1957
Heinz, Frank	Rodman	A-7	175.00	21.30	3.50			150.20	Start April, 1957
Isaak, Gordon	Rodman	A-7	175.00	1.30	3.50			170.20	Start April, 1957
Johnson, Lloyd	Const. Foreman	F-5	354.67	34.10	7.09	11.10		302.38	Inc. April, 1956
Karch, Esther	Clerk Typist	C-5	214.67	28.50	4.29			181.88	Inc. June, 1956
Kautz, Orville	Rodman	A-7	148.17	17.00	2.96			128.21	Start May 6, 1957
Krebsbach, Joseph	Instrumentman	F-4	345.17	32.60	9.90	11.10		294.57	Inc. April, 1957
Putz, Roy	Material Expert	A-6	172.50	21.30	3.45	4.35		143.40	Inc. June, 1956
Reich, Carole	File Clerk	B-5	93.34	16.90	1.87			74.57	Start January, 1957
Reiter, Daniel	Operator	E-8	322.67	28.30	6.45			287.92	Inc. February, 1957
Ronning, Ole	Operator	E-8	322.67	48.30	6.45			267.92	Inc. May, 1956
Sackman, Eugene	Instrumentman	E-5	300.00	4.00	6.00	11.10		278.90	Start February, 1957
Schmitzke, Arnold	Operator	D-5	252.00	15.40	5.04			231.56	Monthly November, 1956
Schweigert, Luella	Chief Steno	E-5	298.67	54.00	5.97			238.70	Inc. January, 1957
Sell, Nancy	Bookkeeper	B-9	206.67	27.10	4.13		18.75	156.69	Inc. February, 1957
Sheldon, Marvin	Office Engineer	I-8	564.67	62.60	11.29	11.10		479.68	Inc. March, 1957
Timm, Robert	Ass't St Engr	K-4	617.67	61.60	12.35	11.10		532.62	Start March, 1957
Torvik, Duane	Engineer	H-6	479.17	74.60	9.58			394.99	Inc. February, 1957
Walterson, Howard	Operator	E-8	322.67	48.30	6.45			267.92	Inc. May, 1956
Zeigler, Victor	Engineer	G-9	454.67	61.00	9.09	11.10		373.48	Inc. February, 1957

PAYROLL
 NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MAY 31, 1957

TEMPORARY EMPLOYEES

Name	Position	Salary May	With Tax	N. D. OASIS	Net Pay	Remarks
Flinn, Dean	Driller	280.00	43.30	5.60	231.10	Working by the hour.
Knutson, Lewis	Operator	410.70	62.00	8.22	339.58	Working by the hour.
McMaster, George	Driller	648.00	82.00	12.96	553.04	Working by the hour.
Markuson, Benhard	Operator	290.00	43.50	5.80	240.70	Working by the hour.
Rufsvold, Linas	Operator	72.24	12.20	5.44	254.60	Working by the hour.
Walterson, Hillard	Operator	286.74	42.50	5.73	238.51	Working by the hour.